

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 1, “Purpose and Organization,” Chapter 3, “Pharmacy Technicians,” Chapter 4, “Pharmacist-Interns,” Chapter 5, “Pharmacy Support Persons,” Chapter 10, “Controlled Substances,” Chapter 17, “Wholesale Drug Licenses,” Chapter 19, “Nonresident Pharmacy Practice,” and Chapter 41, “Outsourcing Facilities,” Iowa Administrative Code.

These amendments were approved at the November 1, 2017, regular meeting of the Board of Pharmacy.

During the 2017 Legislative Session of the 87th General Assembly, 2017 Iowa Acts, chapter 145, section 23, repealed Iowa Code chapter 124A relating to imitation controlled substances. These proposed amendments strike references in Board rules to the repealed Iowa Code chapter.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on January 19, 2018. Such written materials may be sent to Terry Witkowski, Executive Officer, Iowa Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by email at terry.witkowski@iowa.gov.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2017 Iowa Acts, chapter 145, section 23.

The following amendments are proposed.

ITEM 1. Amend rule 657—1.2(17A,147,272C) as follows:

657—1.2(17A,147,272C) Description and organization of board. The board is comprised of five pharmacist members and two representatives of the general public, all appointed by the governor. An administrative staff headed by a board-appointed executive director assists board members.

The board’s authority for regulating the practice of pharmacy and the legal distribution and dispensing of prescription drugs and devices and of precursor substances in the state of Iowa is found in Iowa Code chapters 124, ~~124A~~, 124B, 126, 147, 155A, 205, and 272C.

ITEM 2. Amend rule 657—3.29(155A) as follows:

657—3.29(155A) Denial of registration. The executive director or designee may deny an application for registration as a certified pharmacy technician or pharmacy technician trainee for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

An individual whose application for registration as a certified pharmacy technician or pharmacy technician trainee is denied pursuant to this rule may, within 30 days after issuance of the notice of denial, appeal to the board for reconsideration of the application.

ITEM 3. Amend subrule 3.30(1) as follows:

3.30(1) Violations. The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription

drugs, or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 4. Amend rule 657—4.10(155A) as follows:

657—4.10(155A) Denial of pharmacist-intern registration. The board may deny an application for registration as a pharmacist-intern for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A or 205, or any rule of the board.

ITEM 5. Amend subrule 4.11(1) as follows:

4.11(1) *Grounds for discipline.* The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205, or any rule of the board.

ITEM 6. Amend rule 657—5.24(155A) as follows:

657—5.24(155A) Denial of registration. The board may deny an application for registration as a pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 7. Amend subrule 5.26(1) as follows:

5.26(1) *Violations.* The board may impose discipline for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 147, 155A, or 205 or any rule of the board.

ITEM 8. Amend rule 657—10.44(124) as follows:

657—10.44(124) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on a registration for any of the following:

1. to 4. No change.
5. Any violation of Iowa Code ~~chapters~~ chapter 124, ~~124A~~, 124B, 126, 155A, or 205, or any rule of the board, including the disciplinary grounds set forth in 657—Chapter 36.

ITEM 9. Amend rule 657—17.18(155A) as follows:

657—17.18(155A) Discipline. Pursuant to 657—Chapters 35 and 36, the board may deny, suspend, or revoke a wholesale drug license for any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 155A, or 205 or a rule of the board promulgated thereunder.

ITEM 10. Amend rule 657—19.11(155A) as follows:

657—19.11(155A) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on a nonresident pharmacy license or pharmacist in charge registration for any of the following:

1. to 4. No change.
5. Any violation of Iowa Code chapter 124, ~~124A~~, 124B, 126, 155A, or 205 or any rule of the board.

ITEM 11. Amend rule 657—41.6(155A) as follows:

657—41.6(155A) Discipline. Pursuant to 657—Chapter 36, the board may fine, suspend, revoke, or impose other disciplinary sanctions on an outsourcing facility license for any of the following:

1. to 4. No change.

5. Any violation of Iowa Code chapter 155A, 124, ~~124A~~, 124B, 126, or 205 or any rule of the board, including the disciplinary grounds set forth in 657—Chapter 36.